

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MAR 14 2008

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)

CR. NO. 2:08CR49-MEF
[18 USC § 922(g)(9)]

v.)

RICHARD JAMES MARSHALL)

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about June 28, 2005, in Lowndes County, Alabama, within the Middle District of Alabama, the defendant,

RICHARD JAMES MARSHALL,

having been previously convicted in a court of a misdemeanor crime of domestic violence under the laws of the State of Alabama, to-wit: Harassment in the District Court of Tuscaloosa, Alabama (DC-98-424), knowingly possessed in and affecting commerce a firearm and ammunition, that is:

- (1) A loaded Rossi, .357 Caliber Revolver, a better description of which is unknown to the Grand Jury; and
- (2) Fifty-two live rounds of .357 Magnum ammunition, a better description of which is unknown to the Grand Jury.

All in violation of Title 18, United States Code, Section 922(g)(9).

FORFEITURE ALLEGATION

A. Count 1 of this indictment is hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 922(g)(9), as alleged in Count 1 of this indictment, the defendant,

RICHARD JAMES MARSHALL,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of

the offense, including but not limited to the following:

One Rossi, .357 Caliber Revolver; and
Fifty-two live rounds of .357 Magnum ammunition.

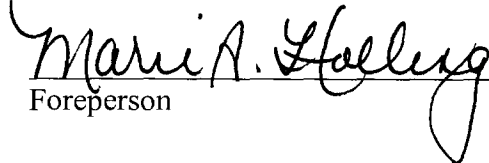
C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

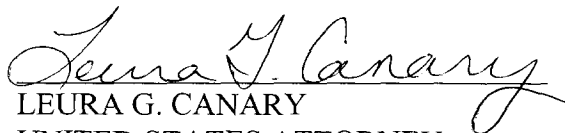
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without

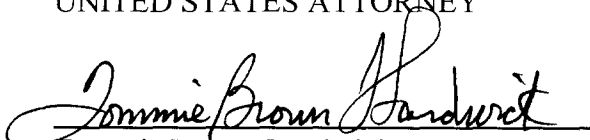
difficulty, the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an Order of this Court forfeiting any other property of said defendant up to the value of the property described in the above paragraphs.

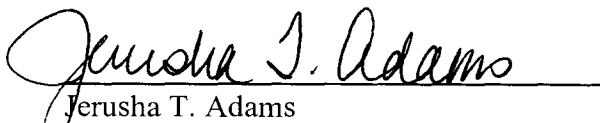
All in violation of Title 18, United States Code, Section 922.

A TRUE BILL:


Foreperson


LEURA G. CANARY
UNITED STATES ATTORNEY


Tommie Brown Hardwick
Assistant United States Attorney


Jerusha T. Adams
Assistant United States Attorney